

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

L. LIN WOOD, JR.,

Plaintiff,

v.

**BRAD RAFFENSPERGER, in his
official capacity as Secretary of State
of the State of Georgia, et al.,**

Defendants.

**CIVIL ACTION FILE NO,
1:20-cv-04651-SDG**

ATTORNEY DECLARATIONS

I, **Ray S. Smith, III**, declare as follows

1. I am counsel for the plaintiff in the above captioned matter.
2. I have personal knowledge of the following matters identified in this declaration and if requested by the Court, can testify to the substance contained in this declaration.
3. The purpose of this declaration is to provide a summary of election data compiled by the State of Georgia concerning mail in ballots and rejection rates of mail in ballots.

4. The data itself was derived online from the Elections Division webpage contained in Georgia's Secretary of State's website. The data constitute official records which are public and publicly available online.

5. While I did not create or compile the source of the data—the State of Georgia's Elections Division did—I am familiar with accessing files on the internet generally, including those provided by state and federal governments. I am also proficient with zip files and Microsoft Excel spreadsheets.

6. On or about November 18, 2020, I downloaded zipped files containing state compiled mail-in ballot data for years 2016 through 2020. These zipped files contain excel spreadsheet reports which are easily accessible at <https://elections.sos.ga.gov/Elections/voterabsenteefile.do>.

7. After downloading the zipped files, I extracted the excel spreadsheets and compiled a summary of the data contained in the files for years 2016, 2018, and 2020. I also examined those files which are fairly simple to comprehend. The Court or opposing counsel can easily repeat this process.

8. This declaration is a summary of Georgia's public data. This summary is extremely helpful because the data files are voluminous and cannot be conveniently examined in Court.

9. A summary of the data files for various years which I downloaded is represented in Table 1 and summarizes various election data contained in the State of Georgia's Elections Division.

Table 1: Mail-In Ballot Rejection rates by Election.

	Cast	Rejected	Rejection Rate	% diff vs. 2020	Exp Vote diff
2016 General	208,620	6,382	3.06%	2.738%	35827.05096
2018 General	227,718	8,157	3.58%	3.261%	42668.33238
2020 Primary	1,164,044	11,864	1.02%	0.698%	9138.32618
2020 General	1,308,306	4,196	0.32%	na	na

10. As Table 1 shows, Georgia's rate of rejection for mail-in ballots averaged 3.06% and 3.58% respectively for the 2016 and 2018 general elections.

11. Concerning the 2020 primary election, however, the mail-in ballot rejection rate decreased to 1.02%.

12. In stark contrast to the 2020 primary, the 2020 general election rejection rate decreased even further to just 0.32%.

13. The .32% rejection rate represents an approximate 90% *decrease* in the rate of mail-in ballot rejections compared to the 2016 and 2018 general elections.

14. The .32% rejection rate appears to be the lowest mail-in ballot rejection rate in the history of the state of Georgia while the number of mail-in ballots is at an historic high.

15. Excluding canceled ballots, the data tables show that the number of mail-in ballots cast in Georgia exploded from just over 200,000 in the 2016 and 2018 elections to more than 1.3 million in the 2020 general election—an increase of nearly 500%.

16. If Georgia's historical mail-in ballot rejection rate of 3.06-3.58% is applied to the current mail in ballot numbers, there would have been between 40,034 and 46,837 ballots rejected in the 2020 general election.

17. Instead, just 4,196 ballots (0.32%) were rejected—35,838 to 42,641 fewer than historical rates.

18. As of November 17, the number of votes separating the top two candidates for President of the United States is 13,977.

19. Thus, the additional ballots one would have expected to be rejected is significant as it easily exceeds the current margin of separation.


20. Applied to the 2020 General Election, the historical rejection rate for improper or illegal ballots would have changed the outcome.

21. Even using the 2020 Primary Election's lower rejection rate of 1.02%, one would have expected to see 13,345 ballots rejected, or 9,149 more than were actually rejected. Depending on the final results of the State's current hand recount, this margin could also have proved decisive in the election contest.

22. Upon extracting excel files from their zip folders, I note that they do not contain consistent or complete information showing the reasons why ballots may have been rejected. The paucity of reasons for ballot rejection contained in these files is either due to a failure in Georgia's management to reliably collect that information, or the Secretary of State has never disaggregated this data clearly and made such additional data available to the public.

23. For example, it does not appear possible—based on the State's publicly records which it has published and made available to the public online—to explain the number of ballots rejected for reasons such as a lack of signature match.

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